

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**WAN HAO EASTERN CORP. AND
SHI LIN XIANG SEAFOOD, INC.,
ALTER EGOS AND/OR PREDECESSOR/
SUCCESSOR AND/OR JOINT EMPLOYERS**

and

Case 29-CA-179777

FLUSHING WORKERS CENTER

ORDER

The Employer's Petition to Revoke subpoena duces tecum B-1-VUQ3Q5 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the National Labor Relations Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.¹ See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., June 1, 2017

PHILIP A. MISCIMARRA,	CHAIRMAN
MARK GASTON PEARCE,	MEMBER
LAUREN McFERRAN,	MEMBER

¹ In lieu of the information requested in paragraphs 1-5, the Employer may supply a completed commerce questionnaire, as stated in the subpoena.

In addition, to the extent that the Employer asserts that no responsive evidence exists for certain subpoena paragraphs, it is not required to produce subpoenaed evidence that it does not possess, but the Employer is required to conduct a reasonable and diligent search for all requested evidence, and as to requested evidence that the Employer determines it does not possess, the Employer must affirmatively represent to the Region that no responsive evidence exists.

Finally, we have evaluated the subpoena in light of the Region's agreement to limit the requests to the time period starting from the Employer's date of incorporation, if that date is after April 16, 2016, as stated in the Region's opposition to the Employer's petition.